

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

Pauls Valley Hospital,  
Authority Plaintiff,  
vs.  
NewLight Healthcare LLC,  
et al. Defendant.

Case No. CIV- 18-826F

November 5, 2019 Trial Docket

SCHEDULING ORDER

Date 12-3-18 Judge Stephen P. Friot Clerk Lori Gray  
Appearing for Plaintiff Brett Agee (via phone)  
Appearing for Defendant Ryan Leonard (via phone)  
Jury Trial Demanded X Non-Jury Trial \_\_\_\_\_

THE FOLLOWING DEADLINES ARE SET BY THE COURT

1. Motions to join additional parties to be filed by 3-1-19.
  2. Motions to amend pleadings to be filed by 3-1-19.
  3. Plaintiff to file a final list of expert witness(es) in chief and submit expert reports to defendant by 06-20-19.\* Defendant to file a final list of expert witness(es) in chief and submit expert reports to plaintiff 21 days thereafter.\*
  4. Plaintiff to file a final list of witnesses, together with addresses and brief summary of expected testimony where a witness has not already been deposed, by 07-10-19.\* Defendant to file a final list of witnesses (as described above) 14 days thereafter.\*
  5. Plaintiff to file a final exhibit list by 07-10-19.\* Defendant to file objections to plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), 14 days thereafter.  
  
Defendant to file a final exhibit list 14 days after filing of
- plaintiff's list.\* Plaintiff to file objections to defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), 14 days after filing of defendant's list.
- \*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.
6. All dispositive and Daubert motions to be filed by 08-01-19.
  7. Discovery to be completed by 10-15-19.
- The deadline for dispositive and Daubert motions precedes the discovery deadline. The parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.

8. Trial docket Nov. 5, 2019.\*\*

**\*\*Trial dockets generally begin the second Tuesday of each month; however, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.**

The interval between the dispositive motion deadline (para. 6) and the trial docket (para. 8) is inflexible. An extension of time to file or respond to a motion for summary judgment, if granted, will likely affect the trial setting.

9. Designations of deposition testimony to be used at trial: See chambers rules, Part I.

10. Motions in limine (other than *Daubert* motions, which are due when required by par. 6, above) to be filed by 10-15-19.

11. Requested voir dire to be filed by 10-15-19.

12. Trial briefs to be filed by 10-15-19.

13. Requested jury instructions and proposed verdict forms to be filed on or before 10-15-19.\*\*\*

17. This case is referred to ADR:

\_\_\_\_\_ Mediation by agreement of the parties, exempt from LCvR16.3.  
\_\_\_\_\_ by Order of the Court:

\_\_\_\_\_ Court-Ordered Mediation subject to LCvR16.3  
\_\_\_\_\_ Judicial Settlement Conference  
\_\_\_\_\_ Other \_\_\_\_\_

If the Court orders mediation, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, not later than \_\_\_\_\_.

(ADR forms are available on the court's website, [www.okwd.uscourts.gov](http://www.okwd.uscourts.gov).)

14. Proposed findings and conclusions of law to be filed no later than \_\_\_\_\_.

**\*\*\*In addition to filing, the parties shall submit their proposed jury instructions and verdict forms or findings of fact and conclusions of law in Word format to the Clerk via the Court's designated mail box: [friot-orders@okwd.uscourts.gov](mailto:friot-orders@okwd.uscourts.gov).**

15. Any objection or responses to the trial submissions referenced in paragraphs 10, 11, 12, 13 or 14 to be filed **fourteen (14) days** thereafter. **Absent leave of court, no reply briefs are expected or permitted with respect to motions in limine that are filed less than 30 days before the first day of the trial docket.**

16. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (see Appendix IV), to be filed no later than 10-15-19. **A proposed order approving the report shall be submitted to the Clerk via the Court's designated mail box: [friot-orders@okwd.uscourts.gov](mailto:friot-orders@okwd.uscourts.gov).**

18. Except as may be otherwise specifically ordered by the assigned judge, this case will not be scheduled for a judicial settlement conference unless, within ten calendar days after the trial docket is published, the parties file a joint motion requesting a judicial settlement conference. The motion shall provide reasons justifying the commitment of court resources to the settlement process, and shall describe the reasons for which efforts to settle the case by other means have been unsuccessful.
19. \_\_\_\_ The parties consent to trial by a Magistrate Judge.
20. Initial disclosures pursuant to Fed.R.Civ.P. 26 have been made \_\_\_\_;  
are excused \_\_\_\_; or shall be made no later than \_\_\_\_.
- 21.A. Judge Friot answered any questions counsel had with respect to his chambers procedures, found at <http://www.okwd.uscourts.gov/files/jfriotrules.pdf>.
- B. Even though discovery may continue to the date set forth in paragraph 7, above, no motions asserting failure to comply with discovery-related obligations (Rules 26-37 and 45, Fed.R.Civ.P.), filed later than 30 days prior to the first day of the trial docket (the trial docket set forth above or any later trial setting that may be established by orders hereafter entered in this case), will be entertained absent a compelling showing, supported by affidavit, that the matters raised in the motion could not, with reasonable diligence, have been raised by motion at an earlier date. Delays that are commonly encountered during the course of litigation, such as delays by an opposing party in answering interrogatories or in producing witnesses or documents, will ordinarily not suffice as the basis for the required compelling showing.
- C. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

BY ORDER OF THE COURT  
CARMELITA REEDER SHINN, CLERK

By:   
Deputy Clerk